

Semi-Weekly Interior Journal.

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NO. 299.

DAVISON'S CASE.

A Fair Statement from a Reputable Citizen of Lincoln County.

The Law as it Applies to the Sitting Member from That County.

FROM YESTERDAY'S COURIER-JOURNAL.

The question of the eligibility of Mr. G. M. Davison, now sitting as the representative of Lincoln county in the House of Representatives, is purely one of law, which should be considered and decided without the slightest reference to the political views of that gentleman or those of his constituents, or the slightest regard to any personal considerations whatever. If on the one hand, those who object to his holding the position cannot show that he is excluded from it by the law of the land, their objection should not be heard at all, much less heeded; and, on the other hand, if he or those who espouse his cause can furnish no better answer to the legal objection offered, than to charge that he is being attacked and persecuted on account of his politics, or on account of the alleged disappointment of some who joined in the protest against his admission to a seat in the General Assembly; to which discrepancy he is claimed to have contributed by his "skill and sagacity" as a political boss, then he and they ought to abandon the case.

The gentlemen who filed a protest against Mr. Davison's being allowed to take his seat as a member of the House did so in a most respectful manner, and rested it solely and explicitly upon the ground of his ineligibility on account of the fact that he was at the time of his election and at the time of his offering to qualify as a representative, holding the office of Master Commissioner and in support of it they cited Art. 2, Sec. 27 of the State constitution and Chap. 81, Sec. 6 of the General Statutes. The section of the Constitution cited is in these words:

"No person while he holds or exercises any office of profit under the Commonwealth or under the Government of the United States shall be eligible to the General Assembly, except Attorneys at Law, Justices of the peace and militia officers: Provided that attorneys for the Commonwealth, who receive a fixed annual salary, shall be ineligible."

The Statute cited reads as follows: "A person holding an office, post or employment under the State or the United States, which is incompatible with a seat in the Legislature, shall not be voted for as a senator or representative until he has resigned his office, nor until a duplicate of his resignation has been filed in the court of the county of his residence, and all votes given for him before such resignation is filed shall be void."

That Mr. Davis did hold the office of Master Commissioner and did not resign it before the election, as the law requires, is not denied, but I understand that it is urged on his behalf that the constitutional provisions quoted does not apply to his case, because the position of Master Commissioner is not an office, or, if an office at all, it is not such an office as that contemplated by the section of the constitution referred to. Those favoring Mr. Davis' claim, if I am correctly informed, contend that a Master Commissioner is not an officer under the Commonwealth, but by some sort of profound reasoning, which I presume they understand, though nobody else can, they reach the conclusion that he is a mere creature and servant of the judge, having no official relation to the State whatever. It is true that the office of M. C. was not created by the Constitution, and that no such office is named in that instrument, but it is equally true that the Constitution (Art. 6, Sec. 10) empowers the General Assembly to provide for the "election or appointment for a term not exceeding four years, of such other county or district, ministerial or executive officers as shall from time to time be necessary and proper," and that exercising the authority thus conferred the Legislature has by law provided for the appointment of a Master Commissioner for each Circuit Court by the judge of that court. The law expressly mentions the position as an "office," prescribes the fees of its incumbent and requires him to execute his official bond "to the Commonwealth." If all this does not describe unmistakably "an office" of profit under the Commonwealth, then it must indeed be something which is indescribable by words and phrase. If the Master Commissioner is a judge's servant, why does he not give his bond to the judge? Why give it to the Commonwealth, which according to the argument made in Mr. Davis' behalf has no interest and no control in his official acts.

The framers of the Constitution very distinctly described the office, which was to be incompatible with representative as "any office of profit under the Commonwealth or under the government of the U. S." And with equal clearness designated certain offices as exceptions to the rule. The office of master commissioner is not among the exceptions either by expression or implication. It is undeniably an office of profit under the Commonwealth, and if it is not

incompatible with a seat in the legislature, then the provision of the fundamental law on that subject is meaningless and worthless.

The question for the House of Representatives to decide is not whether or not the framers of the Constitution did right to declare the office of master commissioner incompatible with that of representative, but simply did they do it? It is not for the House to inquire about the reasons moving the authors of that instrument to forbid the holding of these two offices by the same person at the same time, and to undertake to determine whether the reasons were sound or otherwise. Men may differ about that matter. Some (especially Mr. Davis) might think it both absurd and unjust to deny him a seat in the legislature for so trivial a cause, while others might insist that Mr. Davis, as a legislator, be instrumental in rendering the emoluments of his office as master commissioner much more lucrative than they are now and that he could in the same capacity make a fitting return to the judge who gave him that office by aiding in the passage of an act to handsomely improve the latter's salary. But as I have said, these considerations are outside the case as it now stands. So far as I am concerned, I am not induced to make these suggestions by any prejudice whatever, either personal or political, but solely from a sincere desire that the laws of the land shall be fairly interpreted and faithfully obeyed. Mr. Davison is a friend of mine, toward whom I entertain the kindest feeling, and nothing could be further from my wish and purpose than to deprive him of any right, or to do him the slightest injustice. He and I are opponents in politics, but that does not make me his enemy, as I would be if I attempted wrongfully to deprive him from an office to which he is lawfully entitled.

J. BLAIR.

Stanford, Jan. 13, 1888.

MT. VERNON, ROCKCASTLE COUNTY.

—Liberty Langford, aged 79, died Friday night, after an illness of two years.

—Capt. Tom Hutchison had two small wrecks on his round-trip from Rowland to Jellico Saturday.

—The Livingston Coal Co.'s mines, fixtures, etc., have been purchased by Covington parties, connected with the K. C. Road.

—John Robinson, the negro charged with shooting at a freight train at Broadhead some months since, was fined \$100 Thursday.

—It is believed by many persons living on Brush Creek that but a short time will elapse after court has adjourned here until trouble will be renewed by the different factions to the feud in which several have lost their lives and others seriously wounded.

—Capt. L. A. Barron, of Manchester, is attending court here. Mayor Mitchell, of Richmond, was with us Friday. J. W. Smith, of Girard, passed through to London Sunday. Henry Burton and the Martin brothers, connected with the coal companies at Livingston, were here Sunday.

—Anyone seeing the last issue of the Signal would have known there was something the matter with Bro. Fox without being told of his matrimonial intentions. On the evening of the 14th he was married at the residence of John Lantz in this place to Miss Mattie Adams. A number of the small boys paid the newly married couple their respects and made the night hideous with cow bells, etc. Mr. Fox and bride have taken rooms at Mr. J. E. Vowels.

—Among the cases disposed of in court was a \$25 fine against G. W. Ping, old liquor case, and a continuance on two others. The trial of the negro for killing Mr. Ball, the guard, is set for Wednesday. Court adjourned Friday till Tuesday and the judge with the attorneys are spending Sunday at home. Owing to bad weather only those who were compelled to be present have attended court during the past week, therefore the attendance has been small.

GARRARD COUNTY DEPARTMENT.

Lancaster.

—Some villain stole a saddle and bridle from B. F. Hudson one night last week.

—A Londonberry has rented the property of H. T. Noel, which Noel purchased from Tom Johnston.

—Randall Bettie has been appointed gate keeper on the Danville pike vice Aunt Fannie Bettie deceased.

—J. A. Dwyer has returned from Atlanta, having sold all his mules. If one can judge by his looks he found a good market.

—The hizzard came on time Sunday and was one of the worst of the season. The church congregations were small and few were in demand.

—What Lancaster needs just now is an old fashioned religious revival. There could be a rich harvest gathered here by the right man. Let's have Barnes back.

—Mr. Martin Baker, who lives at Baker's mill, just across the river from the Garrard line, about 12 miles from here, was in town last Friday for the first time since 1850. He came then to get his license to marry. He thinks the town has improved some during the last 38 years.

—The National Bank, of Lancaster, rejected the old board of directors and filled the vacancy caused by the death of C. J. Spillman, by electing his son James in his

stead. The Citizens National Bank rejected the old board and filled the vacancy made by the resignation of L. F. Habb, with Alex. Gibbs.

NEWSY NOTES.

—Sons or Inglish' residence at Atchison, Kas. burned. Loss \$20,000.

—W. Grant Cook, of Moscow, a noted farmer and stock breeder, is dead.

—Charles Fleming committed suicide at Paris by shooting himself through the lungs.

—James G. B. Smith's son, James G., has a baby and it is in turn has been named James G.

—A slight earthquake frightened the South Carolinians Thursday night, but no damage was done.

—A Sweden at Princeton, Minn., chopped the heads off his wife and seven children, using a broadaxe.

—A postoffice has been established at Mayo, Mercer county, and W. F. Riveson appointed postmaster.

—Twenty three members of the present Congress are or have been editors or proprietors of newspapers.

—In a railroad accident near Terre Haute, a brakeman had both legs and an arm torn off and still lives.

—Henry Schmitt was hanged at West Union, Ia., on Friday for the murder of Laurence Peck in September, 1886.

—The Farmers' National, making four banking institutions at Hopkinsville, with \$500,000 capital, has commenced business.

—Daniel Jordan killed Orange Lowe, at Albany, Ga., with a knife and kicked and dragged his body on the ground after death.

—Two flat cars were run into a freight train on the K. C. Saturday night, and 16 out of 23 mules were killed, valued at \$2,500.

—A fire which broke out in the store of B. Ram, Cornelius & Co., Indianapolis, destroyed a million dollars' worth of property.

—Mrs. Anna Caestham, who succeeded her husband, Gen. Frank Caestham, as postmaster at Nashville, on his death, died Saturday.

—The New York Stock Exchange has declared war against the broker-shops, and has raised a fund of \$10,000 to carry on the warfare.

—Senator Kennis has named his latest heir Joe Backburn, and it is said that the little fellow has already, though less than a week old, begun to talk.

—During the last fiscal year Kentucky paid \$53,000 to grand and \$193,000 to petit jurors. In the same time only a little over \$25,000 in fines were collected.

—The Auditor's report shows that since October 10, 1889, \$151,487.50 has been drawn from the State Treasury in behalf of the A. and M. College, at Lexington.

—Mrs. Parmelee, the wife of a rich New Yorker, went to an asphyxiation house with a man and while there was seized with apoplexy and died in his lustful embrace.

—Senator Walhall has been re-nominated for the Mississippi legislature for the term beginning March 1889. He is now filling the unexpired term of Mr. Lyman.

—A collision between a passenger and a freight train occurred on the Cincinnati Southern line Sunday. No one was hurt but the engines and a number of cars were done up.

—Frederick Gustave Schwatka, father of Lieut. Schwatka, the Arctic explorer, died at Seaside, Oregon, aged 78. He was one of the founders of Old Fellowship in the United States.

—Gen. Nichols, who was nominated for Governor of Louisiana after a long and bitter contest with the incumbent, Gov. McEnery, was a Confederate soldier and lost a leg and an arm in the service.

—The Louisiana democratic convention, after concluding the nominations for a State ticket, passed resolutions indorsing the administration of President Cleveland, and recommending his re-nomination.

—Both names of the Mississippi Legislature adopted a resolution expressive of the gratification felt by them at the nomination of Mr. Lyman for the Supreme bench and recognizing the high qualities of that gentleman as a scholar, lawyer and statesman.

—The worst blizzard of the season has been prevailing in Dakota and Minnesota, the mercury at some points going down to 40° below zero. Railroad traffic is entirely suspended, snow 15 to 20 feet deep filling the cuts. Fifty or more people are reported to be frozen to death.

—William Hadley shot and fatally wounded George Hunt at Bebe, Ark. They both loved Miss Mary Wooten, who occupied Hadley. The discarded lover swore vengeance and attacked Hadley, who avoided a difficulty, but when it was forced upon him met it in a business like way.

—That Rarest of Combinations. True delicacy of flavor with true efficacy of action has been attained in the famous California liquid fruit remedy, Syrup of Figs. Its pleasant taste and beneficial effects have rendered it immensely popular. It cleanses the System, cures Constipation, etc.

The only positive cure for chicken cholera ever yet discovered is Ginter's chicken cholera cure. It has never failed, but it perishes if it should, it will cost you nothing. It is guaranteed by McRoberts & Suggs.

HUSTONVILLE, LINCOLN COUNTY.

—Friday's Interior Journal got in on time, but not up to the schedule of the old pony express.

—Bro. Noel was called home to attend the funeral of his father, and hence had to close his meeting, which was becoming very interesting.

—Mrs. McClure, of Junction City, and Bogie, of Danville, were here on Friday, both regretting the dull times which gave them leisure for an unprofitable visit.

—Hudson's editorial criticism on the comparative homeliness of some of our best citizens has excited no little interest. For one, however, while my modesty shrinks from the public exposure of my infirmities, I frankly confess that I hold a pretty fair second—since Joe left the county; I was only third before.

—Jim Goodie is trying to get up a corner on Arbutuckle coffee, basing upon the impression that there will be an unprecedented boom in that favorite article. The most amusing spectacle just now, however, is the nervous earnestness with which our more antiquated beaux avoid meeting a woman. It is said that the postoffice revenues have fallen off 45 per cent. in the last few days. Sunday clothes, jewelry and perfumery have come into disuse; and widowers and elderly bachelors have retired from the market.

—We are jubilant over Will Walton's cheering prospect at the great national metropolis. All he needs to make his mark is opportunity; and this he will surely have under the auspices of such a man as Gov. McCreery. Diligent in business, earnest in purpose, spry in reputation, available in spirit and gentlemanly in deportment, he will win his way to respect and confidence from all sorts of men. He is in the line of promotion; and there is every reason to believe he will gain it. Our very best wishes attend him.

—There is a tradition among the old generations that when Huffman and they were young folks together he was really handsome. In order to secure credibility for this rather improbable statement, they allege that some 50 years ago he noticed the ravages that time and close attention to business, and early piety were making in his human beauty and forthwith banished every mirror from his house, keeping himself in his own good graces by studying the lines and outlines of his departed beauty on a flattered ivory painting taken in his boyhood's bloom.

—Our neighboring village, Millersville, is sustaining its ancient reputation. The former actors in its frequent dramas have, most of them, passed away, but young America seems resolved that the former prestige of the place shall be fulfilled. So far as I can understand the present actors are mostly very youthful; but they display a genius for original and persistent devilry, which gives promise of a dark chapter of crime in the future. Bye, bye!

The eucalyptus may be pleasant and exciting now; but the day is not far distant when you will regret even to acquiesce the follies and outrages of a reckless, lawless byword.

—Bedford Leslie, chief clerk to the surveyor of customs at Louisville, is dead.

—A difficulty occurred at Anniston, Ala., in the office of the Parke House between W. R. Williams, proprietor, and P. B. Evans, resulting in the shooting and killing of both men. Two bystanders were wounded.

—A passenger train on the Chester and Lenoir railroad went through a trestle at Hickory, N. C. The cars were piled on top of each other, and took fire from the stoves and burned. The passengers escaped with only a few slight injuries.

The best way to get all the fun there is out of a sleigh ride is to sit in a warm cozy parlor with the curtains drawn, with your feet in an easy chair by a glowing open fire and talk about it.

A pine-tree cut at Six Lake, recently yielded 5,000 feet of merchantable lumber, valued at \$2,000.

Bucklen's Arnica Salve

The best salve in the world for Cuts, Bruises, Sores, Ulcers, Salt Rheum, Fever Sores, Tetter, Chapped Hands, Chilblains, Corns, and all Skin Eruptions, and positively cures Piles, or no pay required. It is guaranteed to give perfect satisfaction, or money refunded. Price, 25 cents per box. For sale by A. R. Penny, Stanford, Ky.

A Woman's Discovery

"Another wonderful discovery has been made and that too by a lady in this county. Disease fastened its clutches upon her and for seven years she withstood its severest tests but her vital organs were undermined and death seemed imminent. For three months she could scarcely breathe and could not sleep. She bought of us a bottle of Dr. King's New Discovery for Consumption and was so much relieved on taking first dose that she slept all night and with one bottle has been miraculously cured. Her name is Mrs. Luther Lutz. Thus writes W. C. Hamrick & Co., of Shelby, N. C. Get a trial bottle at A. R. Penny's drug store.

The Verdier Unanimous

W. D. Sutt, Druggist, Bippus, Ind., testifies: "I can recommend Electric Bitters as the very best remedy. Every bottle sold has given relief in every case. One man took six bottles and was cured of Rheumatism of 10 years standing." Abraham Hertz, druggist, Bellevue, O., O., testifies: "The best selling medicine I have ever handled in my 20 years' experience is Electric Bitters." Thousands of others have added their testimony, but the verdict is unanimous that Electric Bitters do cure all diseases of the Liver, Kidneys and Blood. Only a half dollar a bottle at A. R. Penny's Drug Store.

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Purchasing Agency! MISS SALLIE HARRISON, Formerly of Stanford, has opened a Purchasing Agency in Cincinnati, and all orders to her at 127 West 5th street, will receive personal and prompt attention. She will make a specialty of Dress Goods, but will receive orders for Furniture, Carpets and in fact everything one could wish. The patronage of the ladies of this section especially solicited.

J. S. Blatt's "SANITARY" Scotch Wool Underwear!

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KATE DUDDEAR. FOR SALE PRIVATELY!! My Farm of 53 Acres, 15 miles south of Monroe Smith's, on Green River in this county, also Spring Wagon, Harness, 2 Horses, 3 Shoats, 2 Cows, 1 Heifer, 2 Calves. If not sold privately will be sold at Public Auction on Jan. 21, 1888. Good Title Given. There is a good, new box House containing Kitchen, Parlor, Scullery, Pantry, 3 Bed Rooms and Attic. The outbuildings consist of Store room, Barn, Hen House, Pigsty, Corn crib, Wagon Shed and Good Spring House. This is a suitable place for a store. For particulars apply to or address

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